JUN 0 3 2002 F.

DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No. 08286.105010

Stephen A. Thomas; Kevin Bourg; Deven Anthony; Patrick Quinn; James O. Farmer; John K. Kenny; Thomas A. Tighe; Paul F. Whittlesey; and Emmanuel A. Vella

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a original, first and joint inventor) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Method and System for Processing Upstream Packets of an Optical Network**, the specification of which was filed with the U.S. Patent and Trademark Office on October 26, 2001 and assigned U.S. Serial No. 10/045584.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

| Application No. | Country | Filing Date | | Phonity Claim | ed Offder 33 O | 3C 9119 (a)-(u) |
|--|--|---|--|---|--|---|
| | | | | Yes | No | - |
| I hereby claim the below: | enefit under Titl | e 35, United States | Code, § 119(e) of a | my United States | provisional ap | oplication(s) listed |
| 60/244,052 (Application No. | Octobe | er 26, 2000 (Filing Date) | - 60/258,837 (Applica | tion No.) | Decemb (F | per 28, 2000 lling Date) |
| 60/243,978 (Application No. |) | er 27, 2000 (Filing Date) | 60/289,112 (Applica | tion No.) | | iling Date) |
| I hereby claim the binsofar as the subject application in the midisclose material infilling date of the prior | ct matter disclo anner provided | sed and claimed in by the first paragraph and in Title 37. Co | of the present application of Title 35, United the of Federal Regular Tinternational filing | ted States Code § ations, §1.56 whi g date of this appl | §112, I acknown the position of the position o | vledge the duty to ilable between the |
| Application Ser | ial No. | Filing Date | Statu | s: patented, pend | ing, abandoned | <u>[</u> |
| 09/899,410 | | July 5, 2001 | | pending | | |
| I further declare that belief are believed to the like so made are and that such willful POWER OF ATTO Patent and Tradema 36,942; Holmes J. F. Bennett-Paris-47,22 P-48,394. | punishable by false statements RNEY: The following the connection of the connection | in ther that these startine or imprisonme may jeopardize the lowing are hereby stated therewith: Statem P. Wigner | tement were made want, or both, under Se validity of the appliappointed to prosecuterry M. Knowles-3 | te this application 3,052; W. Scott | the 18 of the Uents issuing the and transact Petty-35,645; arles E. Peeler- | nited States Code, reon. all business in the Clark G. Sullivan- 45,004; Joseph M. |
| Send correspondence | 191 P | & Spalding, Custo eachtree Street, N.I. | mer No. 20786 E., 45 th Floor | Direct telepho | one calls at (40 Steven P. Wig | |
| Full name of first | | ta, Georgia 30303 | | Citizens | ship: U.S. | |
| Full name of first | | 1 / | | | | |
| Inventor's signatu | ire | yphon a | m | Date: | 24 April | 2002 |
| Residence and Po | st Office Addre | ess: 4397 Windso | r Oaks Circle, Mar | ietta, GA 30350 | | |
| | | | | | Dag | 2 1 of 9 |

Page 1 of 9

Dais with Claimed Hador 25 HSC \$110 (a)-(d)

Application No.

DECLARATION AND POWER OF ATTORNEY

Country

Attorney's Docket No. 08286.105010

Priority Claimed Under 35 USC §119 (a)-(d)

In re Application of: Stephen A. Thomas; Kevin Bourg; Deven Anthony; Patrick Quinn; James O. Farmer; John K. Kenny; Thomas A. Tighe; Paul F. Whittlesey; and Emmanuel A. Vella

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Filing Date

| I hereby claim the benefit un below: | der Title 35, United States Code, § | 119(e) of any United States p | rovisional application(s) listed | | | | | |
|--|--|---|---|--|--|--|--|--|
| 60/244,052 (Application No.) | October 26, 2000 (Filing Date) | 60/258,837 (Application No.) | December 28, 2000 (Filing Date) | | | | | |
| 60/243,978 (Application No.) | October 27, 2000 (Filing Date) | 60/289,112 (Application No.) | May 8, 2001 (Filing Date) | | | | | |
| I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application: | | | | | | | | |
| Application Serial No. | Filing Date | Status: patented, pending | ş, abandoned | | | | | |
| 09/899,410 | July 5, 2001 | pe | nding | | | | | |
| belief are believed to be true; the like so made are punishal and that such willful false stat POWER OF ATTORNEY: 7 Patent and Trademark Office | nents made herein of my own know and further that these statement we ble by fine or imprisonment, or bot ements may jeopardize the validity. The following are hereby appointed to connected therewith: Sherry M. | ere made with the knowledge the in, under Section 1001 of Title of the application or any patent to prosecute this application a Knowles-33,052; W. Scott Peters. | nat willful false statements and 18 of the United States Code, s issuing thereon. and transact all business in the tty-35,645; Clark G. Sullivan- | | | | | |
| 36,942; Holmes J. Hawkins-3 Bennett-Paris-47,226; A. Sha P-48,394. | 88,913; Steven P. Wigmore-40,447; ne Nichols-43,836; William O. Isaa | Lisa K. Norton-44,977; Charle acs II-44,165; Josephine Young | s E. Peeler-45,004; Joseph M. -P-48,308; Robert T. Neufeld- | | | | | |
| Send correspondence to: | King & Spalding, Customer No. 2 191 Peachtree Street, N.E., 45th Fl Atlanta, Georgia 30303 | loor | e calls at (404) 572-4600 even P. Wigmore, Esq. | | | | | |
| Full name of second invent | tor: Kevin Bourg | Citizenship |): U.S. | | | | | |
| Inventor's signature | lwin Bour | Date: | 1/24/02 | | | | | |
| Business Office Address: 1 | 075 Windward Ridge Parkway, | Suite 170, Alpharetta, GA 3 | 0005 | | | | | |
| | | | Page 2 of 9 | | | | | |

Attorney's Docket No. 08286.105010

In re Application of: Stephen A. Thomas; Kevin Bourg; Deven Anthony; Patrick Quinn; James O. Farmer; John K. Kenny; Thomas A. Tighe; Paul F. Whittlesey; and Emmanuel A. Vella

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| Application No. | Country | Filing Date | Priority Claimed Under 35 USC §119 (a | | | |
|--|---------------------------------|---|--|----------------------|--|--|
| · | | | | Yes | No | |
| I hereby claim the be below: | mefit under Tit | le 35, United States C | ode, § 119(e) of any | United : | States provisional application(s) listed | |
| 60/244,052 (Application No.) | | er 26, 2000 (Filing Date) | 60/258,837 (Applicatio | n No.) | December 28, 2000 (Filing Date) | |
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| Application Serie | al No. | Filing Date | Status: 1 | oatented, | pending, abandoned | |
| 09/899,410 | | July 5, 2001 | | | pending | |
| I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon. | | | | | | |
| Patent and Trademar 36,942; Holmes J. Ha | k Office conne wkins-38,913; | cted therewith: Sherr Steven P. Wigmore-40 | y M. Knowles-33,0: 0,447; Lisa K. Norto | 52; W. S n-44,977 | cation and transact all business in the cott Petty-35,645; Clark G. Sullivan; Charles E. Peeler-45,004; Joseph M. Young-P-48,308; Robert T. Neufeld- | |
| Send correspondence | to: King | & Spalding, Customer eachtree Street, N.E., 4 | No. 20786 | Direct tel | ephone calls at (404) 572-4600 | |
| | Atlant | a, Georgia 30303 | | | Steven P. Wigmore, Esq. | |
| Full name third inve | entor: Deven | Anthony | ., | Citi | zenship: U.S. | |
| Inventor's signature | , L. | men Marti | ny | Dat | te: May 6, 2002 | |
| Business Office Address: 1075 Windward Ridge Parkway Suite 170, Alpharetta, GA 30005 | | | | | | |

Page 3 of 9

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| Application No. Country Filing Date | | | Priority Claimed Under 35 USC §119 (a)-(d) | | | |
|---|--|---|--|---|--|--|
| | | | Yes | No | | |
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| insofar as the subject application in the ma | enefit under Ti t matter disclo- nner provided | tle 35, United States (sed and claimed in the by the first paragraph ned in Title 37, Code (see Sec. 1997). | of Title 35 United States Code | s application(s) listed below and, closed in the prior United States §112, I acknowledge the duty to ich became available between the lication: | | |
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| belief are believed to | be true; and fu | irther that these statem | ent were made with the knowleds | atements made on information and the that willful false statements and itle 18 of the United States Code, tents issuing thereon. | | |
| Patent and Trademar | k Office conne | cted therewith: Sherr | y M. Knowles-33,032; w. Scou) 447: Lisa K. Norton-44,977: Ch | on and transact all business in the Petty-35,645; Clark G. Sullivan- larles E. Peeler-45,004; Joseph M. ung-P-48,308; Robert T. Neufeld- | | |
| Send correspondence | 191 P | & Spalding, Customer eachtree Street, N.E., 4 | | one calls at (404) 572-4600 Steven P. Wigmore, Esq. | | |
| - · · · · · · · · · · · · · · · · · · · | | ta, Georgia 30303 | Citizen | ship: U.S. | | |
| Full name of fourth | inventor Pa | trick w. Quinn | | sinp. C.S. | | |
| Inventor's signature | | | Date: | APRIL 24/2002 | | |
| Residence and Post | Office Addre | ess: 1226 Sunrise Ric | lge Drive, Lafayette, California | a 94549 | | |
| | | | | Page 4 of 0 | | |

Page 4 of 9

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|------------------------------------|---|--|---|--|
| | | | Yes | No |
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| insofar as the subjection in the n | ect matter disclonanner provided formation as def | osed and claimed in the by the first paragraph of the first paragraph of the second color of the second co | present application is not fitted States | States application(s) listed below and, it disclosed in the prior United States Code §112, I acknowledge the duty to 66 which became available between the is application: |
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| Patent and Tradem | ark Office conn | ected therewith: Sherry | M. Knowles-33,032; W. 447 Lisa K. Norton-44.97 | lication and transact all business in the Scott Petty-35,645; Clark G. Sullivan- 7; Charles E. Peeler-45,004; Joseph M. ne Young-P-48,308; Robert T. Neufeld- |
| Send correspondence | ce to: King | & Spalding, Customer Peachtree Street, N.E., 45 | No. 20786 Direct th Floor | telephone calls at (404) 572-4600 |
| | Atlar | nta, Georgia 30303 | | Steven P. Wigmore, Esq. |
| Full name of fifth | inventor: Jam | es O. Farmer | Ci | tizenship: U.S. |
| Inventor's signati | ire | 4- Q-F | | rate: 4/24/02 |
| Residence and Po | ost Office Addr | ess: 3602 Preston Cour | rt, Lilburn, Georgia 300- | 17 |
| | | | | Page 5 of 9 |

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|---|--|--|--|---|---|
| 7155104110111111 | | | , | Yes | No |
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| belief are believed the like so made ar | to be true; and fi | urther that these statems | ent were made with the both, under Section | ne knowled on 1001 of T | atements made on information and ge that willful false statements and litle 18 of the United States Code atents issuing thereon. |
| Patent and Tradem | ark Office connu | ected therewith: Sherry | y M. Knowles-33,03 1447: Lisa K. Norton | n-44.977: C | on and transact all business in the tretty-35,645; Clark G. Sullivan harles E. Peeler-45,004; Joseph Moung-P-48,308; Robert T. Neufeld |
| Send corresponden | ce to: King | & Spalding, Customer eachtree Street, N.E., 4: | No. 20786 | Direct telepl | hone calls at (404) 572-4600 |
| | Atlan | ta, Georgia 30303 | 3 11001 | | Steven P. Wigmore, Esq. |
| Full name of sixtl | h inventor: Joh | n J. Kenny | | Citizer | iship: U.S. |
| Inventor's signatu | ire John J | Km | | Date: | 1/29/2002 |
| Residence and Po | st Office Addre | ess: 5590 Trion Cove | , Norcross, Georgia | a 30092 | |
| | | | | | Th (CO |

Page 6 of 9

DECLARATION AND POWER OF ATTORNEY Attorney's Docket No. 08286.105010

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Filing Date

| Application No. | Country | Filing Date | | Priority Claim | ed Under 35 USC §119 (a)-(d) | | |
|---|-------------------------------------|---|--|--------------------------------|---|--|--|
| | | | | Yes | No | | |
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| belief are believed to | be true; and fu | rther that these stateme | nt were made with r both, under Secti | on 1001 of Ti | tements made on information and that willful false statements and tle 18 of the United States Code, ents issuing thereon. | | |
| Patent and Tradema | rk Office conne | cted therewith: Sherry | M. Knowles-33,0 447: Lisa K. Norte | 52; W. Scott on-44.977; Cha | n and transact all business in the Petty-35,645; Clark G. Sullivan- arles E. Peeler-45,004; Joseph M. ang-P-48,308; Robert T. Neufeld- | | |
| Send correspondence | e to: King | & Spalding, Customer : eachtree Street, N.E., 45 | No. 20786 | Direct telepho | one calls at (404) 572-4600 | | |
| | Atlant | a, Georgia 30303 | 11001 | | Steven P. Wigmore, Esq. | | |
| Full name of seven | th inventor: T | homas A. Tighe | | Citizens | hip: U.S. | | |
| Inventor's signatur | e / | han a | / C | Date: | 4/24/02 | | |
| Residence and Pos | t Office Addre | ss: 330 Oakridge Ten | race, Alpharetta, | Georgia 3000 |)5 | | |
| | | | | | Page 7 of 9 | | |

Priority Claimed Under 35 USC §119 (a)-(d)

Country

Application No.

Attorney's Docket No. 08286.105010

Ves

Priority Claimed Under 35 USC §119 (a)-(d)

In re Application of: Stephen A. Thomas; Kevin Bourg; Deven Anthony; Patrick Quinn; James O. Farmer; John K. Kenny; Thomas A. Tighe; Paul F. Whittlesey; and Emmanuel A. Vella

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a original, first and joint inventor) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Method and System for Processing Upstream Packets of an Optical Network**, the specification of which was filed with the U.S. Patent and Trademark Office on October 26, 2001 and assigned U.S. Serial No. 10/045584.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

Filing Date

| I hereby claim the benefit u below: | nder Title 35, United States | Code, § 119(e) of any United Star | tes provisional application(s) listed |
|--|---|--|--|
| 60/244,052 | October 26, 2000 | 60/258,837 | December 28, 2000 |
| (Application No.) | (Filing Date) | (Application No.) | (Filing Date) |
| 60/243,978 (Application No.) | October 27, 2000 (Filing Date) | 60/289,112 (Application No.) | May 8, 2001 (Filing Date) |
| insofar as the subject matter application in the manner p | er disclosed and claimed in provided by the first paragrap in as defined in Title 37. Cod | the present application is not di h of Title 35, United States Code | es application(s) listed below and sclosed in the prior United States e §112, I acknowledge the duty to hich became available between the plication: |
| Application Serial No. | Filing Date | Status: patented, per | nding, abandoned |
| 09/899,410 | July 5, 2001 | | pending |
| belief are believed to be true | e; and further that these states able by fine or imprisonment | ment were made with the knowled | tatements made on information and lge that willful false statements and Title 18 of the United States Code atents issuing thereon. |
| Patent and Trademark Office 36 942: Holmes J. Hawkins | ce connected therewith: She -38.913: Steven P. Wigmore- | rry M. Knowles-33,052; W. Scot 40,447: Lisa K. Norton-44,977; C | on and transact all business in the tretty-35,645; Clark G. Sullivan-harles E. Peeler-45,004; Joseph Moung-P-48,308; Robert T. Neufeld- |
| Send correspondence to: | King & Spalding, Custom 191 Peachtree Street, N.E., Atlanta, Georgia 30303 | er No. 20786 Direct telep 45 th Floor | Steven P. Wigmore, Esq. |
| Full name of eight invent | , , | Citize | nship: U.S. |
| | or. raurr. windlesey | | |
| Inventor's signature | el t. Wh | Date: | 4/24/02 |
| Residence and Post Offic | e Address: 1061 Secret Tra | iil, Sugar Hill, Georgia 30518 | |
| | | | Page 8 of 9 |

Attorney's Docket No. 08286.105010

In re Application of: Stephen A. Thomas; Kevin Bourg; Deven Anthony; Patrick Quinn; James O. Farmer; John K. Kenny; Thomas A. Tighe; Paul F. Whittlesey; and Emmanuel A. Vella

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a original, first and joint inventor) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Method and System for Processing Upstream Packets of an Optical Network, the specification of which was filed with the U.S. Patent and Trademark Office on October 26, 2001 and assigned U.S. Serial No. 10/045584.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

| Application No. Country Filing Date | | | | Priority Claimed Under 35 USC §119 (a)-(d) | | | |
|---|-------------------------------|--|---|--|-----------------------------------|-----------------------------|--|
| | | | | Yes | No | | |
| I hereby claim the ben below: | efit under Titl | le 35, United States Co | de, § 119(e) of any | United State | s provisional a | pplication(s) listed | |
| 60/244,052 (Application No.) | Octob | er 26, 2000 (Filing Date) | 60/258,837 (Application | on No.) | Decemb (F | per 28, 2000 iling Date) | |
| 60/243,978 (Application No.) | Octob | er 27, 2000 (Filing Date) | 60/289,112 (Application | on No.) | - May 8, (F | 2001 iling Date) | |
| insofar as the subject application in the mar | matter disclo mer provided | tle 35, United States 6 sed and claimed in the by the first paragraph ned in Title 37, Code 6 d the national or PCT in | e present applicati of Title 35, United of Federal Regulation | on is not disc l States Code ons. 81.56 wh | §112, I acknow ich became ava | vledge the duty to | |
| Application Seria | l No. | Filing Date | Status: | Status: patented, pending, abandoned | | | |
| 09/899,410 | <u> </u> | July 5, 2001 | | | pending | | |
| belief are believed to be | be true; and fi | nade herein of my own larther that these statements or imprisonment, or may jeopardize the value. | ent were made with | ion 1001 of T | itle 18 of the U | inited States Code, | |
| Patent and Trademark | COffice conne | lowing are hereby apported therewith: Sherr Steven P. Wigmore-40 hols-43,836; William C | y M. Knowles-33,0 1447: Lisa K. Nort | 052; w. Scott on-44.977: Ch | arles E. Peeler- | 45,004; Joseph M. | |
| Send correspondence | 191 P | & Spalding, Customer eachtree Street, N.E., 4 ta, Georgia 30303 | No. 20786 5 th Floor | Direct teleph | one calls at (40 Steven P. Wig | | |
| Full name of ninth i | | | | Citizen | | ISTRALIAN | |
| Inventor's signature | | | | Date: | 4/30/0 | 2 | |
| Residence and Post | Øffice Addre | ess: 5505 Timson Lar | ne, Alpharetta, Ge | orgia 30022 | | | |
| | | | | | Page | e 9 of 9 | |